REMARKS

FORMAL MATTERS:

Claims 16-18, 22-26, 40-44, 46-50, 57-63 and 65-68 are pending and currently under examination after entry of the amendments set forth herein.

Claim 64 has been cancelled without prejudice to renewal.

Claim 57 has been amended. Support for this amendment can be found throughout the application as originally filed and in the following exemplary location: page 26, lines 1-11.

New claim 68 has been added. Support for this new claim can be found throughout the application as originally filed and in the following exemplary location: page 29, lines 13-17.

No new matter has been added.

REJECTIONS UNDER §102

In the Office Action mailed February 20, 2008, the pending claims were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Crabtree et al. WO 95/02684 (hereinafter "Crabtree").

In the amendment and response filed on June 20, 2008, Applicants argued that Crabtree did not anticipate the claims at issue. Specifically, Applicants argued that Crabtree teaches a method in which a ligand molecule binds and oligomerizes ***non-naturally occurring*** proteins molecules. The chimeric proteins oligomerized in Crabtree are recombinant proteins in which the various domains are derived from different sources not found together in nature (i.e., non-naturally occurring proteins).

The arguments presented in the response filed on June 20, 2008, apply equally to the claims as currently amended. Furthermore, Crabtree fails to teach the elements of new Claim 68, i.e., the method of Claim 16, "wherein said administering results in the formation of an intracellular tripartite complex comprising said naturally occurring protein target, said naturally occurring peptidyl-prolyl isomerase and said bifunctional molecule, and wherein the formation

of said intracellular tripartite complex results in said modulated biodistribution of said bifunctional molecule."

Crabtree does not teach that administration of the ligand molecule results in formation of an intracellular tripartite complex comprising naturally occurring proteins which results in modulated biodistribution of the ligand as compared to a free drug control. Instead, Crabtree teaches that the disclosed ligand is administered in order to oligomerize chimeric proteins and direct the apoptosis of cells containing the chimeric proteins. See, e.g., the Summary of the Invention found on page 3 of Crabtree. Furthermore, there is no indication in Crabtree that such a tripartite complex would necessarily result from the described method which requires that the ligand is administered to a host organism comprising cells that have been modified to include chimeric protein targets for the ligand. As indicated in the response filed June 20, 2008, "[t]o establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is ***necessarily*** present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities.'" In re Robertson, 169 F.3d 743, 745 (Fed. Cir. 1999). The Office has failed to demonstrate that administration of the ligand described in Crabtree, according to the method described in Crabtree, necessarily results in formation of the tripartite complex of claim 68. Because Crabtree does not teach the required elements either expressly or inherently, Crabtree cannot anticipate Claim 68.

In view of the amendments and remarks presented in the response filed June 20, 2008, and the amendments and remarks presented herein, Applicants respectfully request reconsideration and allowance of the application.

CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STAN-131.

Respectfully submitted,
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